



## General Assembly

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### Fifty-ninth session

Items 47, 50, 57, 80, 86, 87, 88, 90, 91, 92, 93, 94, 96 and 102  
of the preliminary list\*

**Integrated and coordinated implementation of and follow-up  
to the outcomes of the major United Nations conferences and  
summits in the economic, social and related fields**

**Elimination of unilateral extraterritorial coercive economic  
measures as a means of political and economic compulsion**

**Follow-up to the outcome of the Millennium Summit**

**Questions relating to information**

**Macroeconomic policy questions**

**Follow-up to and implementation of the outcome of the  
International Conference on Financing for Development**

**Sustainable development**

**Globalization and interdependence**

**Groups of countries in special situations**

**Eradication of poverty and other development issues**

**Operational activities for development**

**Permanent sovereignty of the Palestinian people in the  
Occupied Palestinian Territory, including East Jerusalem,  
and of the Arab population in the occupied Syrian Golan  
over their natural resources**

**Implementation of the outcome of the World Summit for  
Social Development and of the twenty-fourth special  
session of the General Assembly**

**Implementation of the outcome of the Fourth World  
Conference on Women and of the twenty-third special  
session of the General Assembly, entitled "Women  
2000: gender equality, development and peace for the  
twenty-first century"**

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\* A/59/50 and Corr.1 and 2.



**Letter dated 22 June 2004 from the Permanent Representative of  
Qatar to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith the ministerial declaration adopted on the occasion of the special ministerial meeting to commemorate the fortieth anniversary of the establishment of the Group of 77, held in São Paulo, Brazil, from 11 to 12 June 2004 (see annex).

On behalf of the Group of 77, I would highly appreciate it if you could arrange for the present letter and its annex to be circulated as a document of the General Assembly, under items 47, 50, 57, 80, 86, 87, 88, 90, 91, 92, 93, 94, 96 and 102 of the preliminary list.

(Signed) Nassir Abdulaziz Al-Nasser

Ambassador

Permanent Representative of the State of Qatar to the United Nations

Chairman of the Group of 77

**Annex to the letter dated 22 June 2004 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General**

**MINISTERIAL DECLARATION**  
**ON THE OCCASION OF THE 40<sup>TH</sup> ANNIVERSARY OF THE GROUP OF 77**

We the Ministers of the Member States of the Group of 77 and China meeting in São Paulo, Brazil, on 11 and 12 June 2004 for the commemoration of the fortieth anniversary of the Group of 77,

Having reviewed on the eve of UNCTAD-XI the achievements of the Group of 77 and the challenges facing it over 40 years of commitment to the cause of development; and having assessed the complex and fast changing world economy and the evolving international economic relations in the face of new challenges and opportunities,

Reaffirming the common aspirations, unity and solidarity that led to the adoption of the Joint Declaration of the Seventy-seven developing countries at the conclusion of the first session of the United Nations Conference on Trade and Development, on 15 June 1964 in Geneva, and the Charter of Algiers on the occasion of the First Ministerial Meeting of the Group of 77, on 25 October 1967 in Algiers, Algeria,

Recognizing the continued expansion of its membership from 77 to more than 130 countries today,

Reaffirming the positive approach that guides the work and the role of the Group in dealing with international economic and development issues, and the principles of cooperation and non-confrontation, on the basis of interdependence of nations and the shared values and common destiny of mankind, solemnly declare the following:

1. The establishment of the Group of 77 at the first U.N. Conference on Trade and Development (UNCTAD) was a historic turning point as the developing countries found a common platform to voice their concerns and form consensus to advance their economic interests. By acting collectively, developing countries acquired a degree of strength to influence the international agenda that they would not have been able to achieve individually.
2. The Group continues to strive for equity and justice in international economic relations in the belief that this can build a really solid foundation for world peace and contributed to a stable and prosperous world.
3. The fact that the Group was born alongside UNCTAD reflects the acknowledgment that the establishment of an equitable international trade regime has been a central issue to the development agenda. Subsequently, the Group brought its collective will to bear on the pursuit of common goals in the related fields of, inter alia, finance, foreign direct investment, capital market, external debt, food, agriculture, industrialization, intellectual property rights, social development, health, education, sustainable development, science and technology, and information and communication technology. The institutional development of the Group of 77

led to the creation of chapters to defend and promote the interests of developing countries within the organizations of the UN system including the Bretton Woods Institutions.

4. The Group of 77 continues to exercise a significant influence in enhancing economic and social multilateral diplomacy. Among its major achievements are its contributions to the successful negotiation of the Generalised Scheme of Preferences (GSP), the Charter of Economic Rights and Duties and the Integrated Programme for Commodities including the Common Fund. The Group also played an important role in the adoption of internationally agreed targets for the transfer of resources to developing countries. Initiatives taken by the Group led to the creation of new institutions like UNIDO and IFAD, and formulation of new rules, guidelines, norms, principles, and comprehensive framework of cooperation on a whole new range of economic and social issues. Real landmarks in this regard have been the launch and development of South-South cooperation, the holding of UN major conferences and summits and the adoption by the U.N General Assembly of the Declaration and Programme of Action for the Establishment of a New International Economic Order.

5. The Group of 77 has also made a notable contribution to the effective functioning of the United Nations system. The Group has played a leading role in strengthening of the UN system in addressing global issues, particularly in the economic and social fields. The Group stresses the continued need to integrate the development dimension at the heart of international decision and rule making and in addressing the global processes.

6. The main strengths of the Group of 77 have been its unity and solidarity, its vision of a fair and equitable multilateral relations, the commitment of its member States to the well being of the peoples of the South as well as their commitment to mutually beneficial co-operation.

7. We emphasize the historical importance of the First South Summit of the Group held in Havana, Cuba in April 2000, which adopted the Havana Declaration and Programme of Action that undertook to pursue a sharply focused action-oriented agenda, geared to implementing a number of high priority initiatives within specified timeframes. The effective implementation of the Havana Programme of Action requires the necessary resources and the collective efforts of the Member of the Group in this regard.

8. The High-level Conference on South-South Cooperation, held in Marrakech, Morocco in December 2003, adopted the Marrakech Declaration and the Marrakech Framework for the Implementation of South-South Cooperation, which reaffirmed the commitment of the members to South-South cooperation and identified specific measures and initiatives to achieve this goal. We reaffirm our commitment to the implementation of these measures and initiatives and to expediting the achievement of the time bound objectives contained in the Marrakech Framework for the Implementation of South-South Cooperation.

9. South-South cooperation has always been regarded as an effective tool to maintain and strengthen our solidarity and unity. Through South-South cooperation, including at the regional and subregional level, developing countries have been able to avail themselves of the opportunities that lie beyond their borders for enhancing the welfare of their people. We note with satisfaction the progress made so far by the Perez-Guerrero Trust Fund for Economic and Technical Cooperation among Developing Countries (PGTF) in support of South-South

cooperation. We welcome the initiatives launched and undertaken by members of the Group aimed at poverty eradication and promotion of social development.

10. We express appreciation to the work of the South Centre and in this regard resolve to strengthen the Centre as a think-tank of the countries of the South.

11. Several items that were on the agenda of the Group of 77 in 1964 remain valid, such as the asymmetries of the multilateral trading system, the transfer of resources between developing and developed economies, including the insufficient flows of official development assistance and the debt burden, the volatility of commodity markets and the dismantling of protectionist barriers to the markets of developed countries. Moreover, new issues such as sustainable development, social development and equity and inclusion, the increased frequency of financial crises, trade subsidies in particular in agricultural products, the role of information and communication technologies and illicit international transactions demand a concerted global response from the international community.

12. The expectations of greater global security and a just and nondiscriminatory international economic and social order have not been realized. The world today is beset by acute economic and social problems, many of them structural in nature. International economic relations also continue to be marked by uncertainty and imbalances with marginalization of developing countries and in particular the least developed. The Group has expressed its deep concern about the tendency by developed countries to take decisions that affect the world economy outside the multilateral framework of the United Nations system and without giving full considerations to the interests of developing countries.

13. We stress the importance of strengthening multilateralism and the United Nations system in the face of growing unilateralism as well as attempts to put in place new regimes and rules limiting the policy space available to developing countries and their choices for macro-economic policy making. The developing countries can meet this challenge by acting collectively.

14. The process of globalisation and liberalization has produced uneven benefits among countries. The international disciplines and obligations are also increasingly encompassing rules that frame development policy choices of developing countries. These developments, which have had negative economic and social effects, underscore the importance of ensuring policy space for developing countries to advance national development objectives based on their development, financial and trade needs. The liberalization of trade policy regimes should not intrude on national policy space. This calls for development strategies that would ensure an optimal balance between efficiency and equity. In this process, the role of State is critical in defining national needs and priorities. This also calls for the "governance of globalisation" which places development at the very centre of global concerns, including with respect to corporate social responsibility. There is a need to integrate the development dimension into international economic processes and rule making. The opportunity offered by the ICT revolution must be utilized to bridge both the digital and development divide.

15. Developing countries must be assisted to effectively participate and respond to the challenges and derive benefits from international trade and multilateral trade negotiations. A development-friendly international economic environment should be ensured within which

fuller and beneficial integration of developing countries into the world economy can be facilitated. This will make an important contribution to the realization of the Millennium Development Goals, including a multilateral trading system, which is truly open, equitable, rule-based predictable and non-discriminatory and which takes on board core interests and concerns of developing countries. The Group of 77 is concerned that the negotiations so far have not met the expectations of developing countries. Developed countries are invited to demonstrate the required political will to fulfill the commitments that they undertook in Doha, particularly that development will be at the forefront of multilateral trade negotiations. Thus, the important objective of the Doha Declaration, which has placed the needs and interest of developing countries at the heart of the Doha Work Programme, must be vigorously and continuously pursued with a view to bringing about concrete, identifiable and implementable development-oriented outcomes from multilateral trade negotiations on the whole range of issues of particular concern to developing countries. Facilitating the accession of developing countries to the WTO remains a major objective.

16. We emphasize, the importance of the strengthening and attainment of the universality of the World Trade Organization and, in this context, call for accelerating the accession process without political impediments and in an expeditious and transparent manner for developing countries applying to the World Trade Organization, and also the provision of technical assistance by the World Trade Organization and the United Nations Conference on Trade and Development, within their mandates, thereby contributing to the rapid and full integration of those countries into multilateral trading system.

17. The Group of 77 stresses the importance for all countries of consistency between national trade policies and the multilateral trade agreements. In this regard, we reiterate our concern and call for the elimination of the continuing use of unilateral coercive economic and trade measures against developing countries such as economic and trade sanctions that are in contradiction with the UN Charter and WTO rules.

18. Convinced of the importance of enhancing South-South trade, we welcome the decision to revive the Global System of Trade Preferences among Developing Countries (GSTP), established in 1989, and to launch the third round of negotiations aimed at integrating and furthering the objectives of the GSTP agreement. The third round should ensure equitable, meaningful, and mutual advantageous contributions to the GSTP to enhance South-South trade.

19. We are concerned about the adverse effects of domestic support and subsidies granted to the production and export of commodities by some developed countries that causes distortions in the international trade and undermines trade opportunities.

20. The Ministers, concerned about the adverse effects of domestic support and subsidies granted to the production and export of cotton by some developed countries that causes distortions in the international trade and undermines trade opportunities while worsening the economic and social situation of the LDCs that are cotton producers and exporters, also urge those developed countries to expeditiously complete, as far as cotton is concerned, the elimination of both export subsidies and production-related domestic support.

21. As the focal point within the United Nations for the integrated treatment of trade and development and interrelated issues in the areas of finance, technology, investment and sustainable development, and with its inter-related functions comprising research and policy analysis, inter-governmental deliberations and consensus building and technical cooperation, UNCTAD is pre-eminently placed to respond to the current and emerging challenges facing developing countries. The mandate and functions of UNCTAD gives the institution a special role in the overall configuration of multilateral institutions. Recent decisions of the General Assembly to request UNCTAD to contribute not only to the implementation of the outcomes of major conferences but also to review the progress in the implementation of the commitments made and of the agreement reached and to include UNCTAD in the high-level dialogue of ECOSOC with the Bretton Woods Institutions and the WTO is welcomed. UNCTAD XI is another milestone both in the life of the UNCTAD and that of the Group of 77, which continue to benefit from the multi-disciplinary activities of the organization. The consensus reached in Sao Paulo, and its reaffirmation of the Bangkok Plan of Action, provide the framework for UNCTAD's work in the next four years. The main theme and the four sub-themes of UNCTAD XI represent a solid basis to build upon and expand in a forward looking direction aimed at further strengthening UNCTAD at its twelfth session in 2008. The international community is invited to support UNCTAD in all its areas of work.

22. The Group stresses the need for international rules to allow policy space and policy flexibility for developing countries, as they are directly related to the development strategies of national governments. The Group further emphasizes the need for policy space to formulate development strategies that take into account national interests and differing needs of countries which are not always taken into account by international economic policy making in the process of integration with the global economy.

23. We attach high priority to the reform of the United Nations and we reiterate our willingness to actively participate in the negotiations for the strengthening of the Organization, in order that it efficiently responds to the current and future challenges including the requirements, concerns and interests of developing countries which constitute the vast majority of its membership. We reaffirm that such negotiations should be aimed at strengthening multilateralism, endowing the Organization with a substantive capacity to fully and effectively meet the purposes and principles enshrined in the Charter, and to consolidate its democratic character and its transparency in the discussion, and implementation of decisions of Member States.

24. We remain committed to the Millennium Development Goals and other internationally agreed development goals and multilateral commitments and initiatives aimed at poverty eradication. In this regard, we call upon the international community and the United Nations system to fully and speedily achieve the Millennium Development Goals and other development goals set out in the major United Nations conferences and summits as well as in their respective reviews. The Group further emphasizes the need for international development cooperation to take fully into account national development strategies of developing countries.

25. The Group of 77 is determined to work actively for the success of the high-level plenary meeting to be held at the commencement of the 60<sup>th</sup> United Nations General Assembly, in 2005, with the participation of the Heads of State and Government to review progress made in the fulfillment of all the commitments made in the United Nations Millennium Declaration,

including the internationally agreed development goals and the global partnership required for their achievement, and of the progress made in the integrated and coordinated implementation, at the national, regional and international levels, of the outcomes and commitments of the major United Nations conferences and summits in the economic and social fields. We stress that if the Millennium Development Goals are to be achieved by 2015, there is an urgent need to ensure a genuine Global Partnership for Development, which requires increased commitment and implementation on the part of developed countries.

26. Considering the achievements of the Group of 77 over the last 40 years and bearing in mind that globalization in the 21<sup>st</sup> century should and needs to be fully inclusive and equitable, we need to consolidate and accelerate the gains achieved through the realization of the mandate of the Group of 77 including, amongst other, the necessity to ensure delivery of the Millennium Development Goals and the goals contained in the outcomes of the major UN Conferences and Summits in the economic and social fields,

27. We stress the importance of strengthening cooperation and coordination between the Group of 77 and China and the Non-Aligned Movement through the JCC for the promotion of the common priorities of the developing countries and South-South cooperation.

28. The North-South dialogue and negotiations require genuine cooperation for development through global partnership. It is in this spirit that the current and future challenges can be resolved. We call upon developed countries to show the same determination in this respect as the Group of 77 has been doing over the years so that the development of all nations could be achieved, in particular those of developing countries. We stress the importance of early conclusion of ongoing efforts to strengthen the participation and representation of developing countries in global economic governance. It is only in this way that multilateralism will achieve its full potential.

29. We reaffirm our commitment to the Declaration on the Right to Development as contained in General Assembly resolution 41/128 of 4 December 1986, and encourage its full and effective implementation.

30. Responding to both current and emerging challenges requires adaptation to the realities of today's world. The Group of 77 recognizes the role the civil society and the business community can play as important partners in promoting the development objectives and goals of developing countries. A more systematic relationship and cooperation with relevant stakeholders supportive of development process will be pursued.

31. The forthcoming Second South Summit in 2005 will be the occasion to assess the implementation of the Havana Programme of Action and the Marrakech Framework for the Implementation of South-South Cooperation.

32. We recognize and acknowledge the special needs of the Least Developed Countries, the Small Island Developing States, and of the Landlocked Developing Countries within a New Global Framework for transit transport cooperation for Landlocked and Transit Developing Countries and reaffirm our continued support to their endeavours in every regard, particularly in their efforts to achieve the Millennium Development Goals and the implementation of the

Brussels Programme of Action, the Barbados Programme of Action and the Almaty Programme of Action.

33. We support the efforts of African countries to address the challenges of poverty eradication and development through the implementation of NEPAD.

34. The Group of 77 reiterates the necessity of the access of all developing countries to information and communication technologies which is essential in promoting sustainable development and achieving the Millennium Development Goals. In this regard, we stress the importance of the effective preparation and participation of all developing countries in the second phase of the world Summit on the Information Society due to be held in Tunis from 16 to 18 November 2005.

35. We firmly reject the imposition of laws and regulations that entail extraterritorial consequences and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterate the urgent need for their immediate repeal. We underline that those measures undermine the principles enshrined in the Charter of the United Nations and International Law and in contradiction with the principles of the multilateral trading system and WTO rules and also constitute a serious threat to the freedom of commerce, navigation and investment. Therefore, we call upon the international community to reject those measures and promote their total elimination.

36. We recognize the severe negative impact of foreign occupation on efforts towards sustainable development and poverty eradication and reaffirm in this regard our commitment, along with the international community, to address this matter and to exert efforts to ameliorate the economic, social and environmental conditions in areas affected by it.

37. We express our appreciation and gratitude to Brazil and its people for the excellent organization and hosting of the Special Ministerial Meeting on the occasion of the 40<sup>th</sup> anniversary of the Group of 77 and the warm hospitality which were bestowed on us in the city of São Paulo.

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## General Assembly

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**Fifty-ninth session****Item 62 of the preliminary list\***
**Developments in the field of information and telecommunications  
in the context of international security**
**Developments in the field of information and  
telecommunications in the context of international security**
**Report of the Secretary-General****Contents**

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\* A/59/50 and Corr.1.



## I. Introduction

1. In paragraph 3 of its resolution 58/32 of 8 December 2003 on developments in the field of information and telecommunications in the context of international security, the General Assembly invited all Member States to continue to inform the Secretary-General of their views and assessments on the following questions: (a) general appreciation of the issues of information security; (b) definition of basic notions related to information security, including unauthorized interference with or misuse of information and telecommunications systems and information resources; and (c) the context of relevant international concepts aimed at strengthening the security of global information and telecommunications systems. In paragraph 4 of the resolution, the Assembly requested the Secretary-General to consider existing and potential threats in the sphere of information security and possible cooperative measures to address them, and to conduct a study with the assistance of a group of governmental experts, to be established in 2004, appointed by him on the basis of equitable geographical distribution and with the help of Member States in a position to render such assistance, and to submit a report on the outcome of the study to the General Assembly at its sixtieth session. The Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security will commence its work in July 2004.

2. By a note verbale dated 18 February 2004, all Member States were invited to inform the Secretary-General of their views and assessments on the subject. To date, seven replies have been received. The texts of these replies are reproduced in section II below. Additional replies received will be issued as addenda to the present report.

## II. Replies received from Member States

### Argentina

[Original: Spanish]

[14 May 2004]

#### Current situation

1. The Argentine Republic has made important advances with respect to data security and privacy. At the normative level, law No. 25326 on the protection of personal data is one of the most modern of its type in the world; its supervisory authority is the head of a directorate especially created for that purpose as part of the Ministry of Justice. In addition, a number of draft bills on computer crime are at an advanced stage of consideration by the National Congress.

2. Progress has also been made in legislation concerning digital signatures which seeks to provide electronic documentation with legal validity and technical security in order to guarantee its authorship and integrity. Argentina has been a pioneer in this area and final steps are currently being taken to implement the national public key infrastructure.

3. In particular, the Argentine State has made important advances with respect to information security. In that connection, the National Office of Information

Technology has primary responsibility for handling, assisting in and supervising matters relating to the security and privacy of digitalized and electronic information in the national public sector.

4. As part of the Office, ArCERT (Coordination of Emergencies in Teleinformatic Networks of the National Public Administration) is a response team that deals with incidents in networks of public bodies. Its principal objective is to raise the security threshold in the public sector. In that context, reported security incidents are handled, alerts are issued for preventive and corrective purposes, specific security tools have been developed, courses are being held on the subject for public sector workers and officials and progress is being made in the development of model State security policies.

#### **General appreciation of issues**

5. Information security has several aspects the solution of which represents a real challenge given the growing complexity of the problems to be resolved as a result of technological progress.

6. The main problems may be divided into three classes:

- attacks against information per se;
- improper use of information resources;
- cybernetic crime.

7. With respect to information, the new technologies make it increasingly difficult to ensure the three principal characteristics of information: confidentiality, integrity and availability. At the same time, within the problems of information itself there are two main classes that require special treatment: personal information, which must be administered with the greatest care in order to preserve the privacy of individuals, and information relating to organizations — whether it is commercial, industrial or relates to public bodies or agencies — the dissemination, modification or loss of which might be prejudicial to economic, social, political or other objectives.

8. Another normally underestimated problem is the improper use of information resources. Improper use is the use of the resources made available for purposes other than those authorized or their use in an unreasonable manner that involves abuse, extravagance or waste. For example, the current dissemination of viruses and other kinds of interference through the Internet, and the necessary countermeasures, give rise to additional expense far greater than was necessary for the original purpose. A preventive approach to this matter will provide major savings in resources and efforts.

9. Lastly, the new technologies are providing new opportunities for the perpetration of crimes, both what are regarded as traditional crimes, which are now supported by the new technologies, and new variations inspired by technological progress.

## China

[Original: Chinese]

[24 May 2004]

### China's view on the issues of information society

1. Rapid development in the field of information and telecommunications is an important feature of scientific and technological advancement. Under new circumstances with security threats multiplied, non-traditional security factors rising and international terrorist activities increasingly rampant, information security has become a grave challenge in the field of international security. China supports international efforts aimed at maintaining and promoting information security of all countries and the establishment of the United Nations Governmental Expert Group to discuss and address the issue of information security.

2. China holds that use of information technology should abide by the United Nations Charter and other internationally accepted principles, and maintain and promote international and regional peace, stability and development. With non-traditional security threats increasingly salient, States should attach great importance to information criminality and terrorism. In view of the imbalanced development of countries in the field of telecommunications, the international community should also strengthen cooperation in the research and application of information technology.

3. China holds the view that within the framework of the United Nations Governmental Expert Group on information security, all parties should examine the existing and potential threats in the field of information security, and explore concrete ways and means to address them. China will take a positive and constructive part in the work of the United Nations Governmental Expert Group, and hopes its work will achieve positive results.

## Costa Rica

[Original: Spanish]

[15 March 2004]

1. The Government of Costa Rica states that, on 24 October 2001, the Legislative Assembly of Costa Rica adopted an amendment to the Penal Code entitled "Addition of articles 196 bis, 217 bis and 229 bis to the Penal Code, law No. 4573, for the suppression and punishment of computer crime". That amendment has been the most significant development in recent years with respect to computer security in Costa Rica.

2. The amendment identified three types of computer crime (violation of electronic communication, computer fraud and alteration of data and computer sabotage). This was an important development for Costa Rica in this area and was tailored to the current requirements for ensuring computer security.

3. The entire document on the amendment is attached for your consideration (see appendix).

## Appendix

### **Addition of articles 196 bis, 217 bis and 229 bis to the Penal Code, law No. 4573, for the suppression and punishment of computer crime**

8148

#### **The Legislative Assembly of the Republic of Costa Rica**

#### **Decrees:**

### **Addition of articles 196 bis, 217 bis and 229 bis to the Penal Code, law No. 4573, for the suppression and punishment of computer crime**

Single article: Articles 196 bis, 217 bis and 229 bis are added to the Penal Code, law No. 4573, of 4 May 1970, the texts of which shall be as follows:

#### **Article 196 bis: Violation of electronic communications**

(a) A term of imprisonment of between six months and two years shall be imposed upon any person who, in order to discover secrets or threaten the privacy of another person without that person's consent, gains possession of, accesses, amends, alters, deletes, intercepts, interferes with, uses, disseminates or defeats the purpose of messages, data or images contained in electronic, informatic, magnetic and telematic media. The penalty shall be between one and three years' imprisonment if the actions described above are carried out by persons responsible for such electronic, informatic, magnetic and telematic media.

#### **Article 217 bis: Computer fraud**

A term of imprisonment of between one and ten years shall be imposed on any person who, with the intention of procuring or obtaining an inheritance benefit for himself or for a third person, influences the processing or output of the data of a computer system by means of programming, the utilization of incorrect or incomplete data, the improper use of data or any other action affecting the processing of data in the system.

#### **Article 229 bis: Alteration of data and computer sabotage**

A term of imprisonment of between one and four years shall be imposed on any person who, by whatever means and without authorization, erases, deletes, modifies or disables the data recorded in a computer.

If, as a result of the said conduct, the operation of a computer programme, database or information system is interfered with or disabled, the penalty shall be between three and six years' imprisonment. If the computer programme, the database or information contains data of a public nature, a term of imprisonment of up to eight years shall be imposed.

**Cuba**

[Original: Spanish]

[1 June 2004]

**Opinions of the Republic of Cuba to the request contained in paragraph 3 of resolution 58/32 entitled "Developments in the field of information and telecommunications in the context of international security"**

1. In paragraph 3 (a) and (b) of resolution 58/32 of 8 December 2003 concerning developments in the field of information and telecommunications in the context of international security the General Assembly invited all Member States to continue to inform the Secretary-General of their views and assessments on the following questions:

- (a) General appreciation of the issues of information security;
- (b) Definition of basic notions related to information security, including unauthorized interference with or misuse of information and telecommunications systems and information resources; and
- (c) The content of the international concepts aimed at strengthening the security of global information and telecommunications systems.

2. Cuba considers that the hostile use of telecommunications, with the declared or covert intent of undermining the legal and political order of States, is a violation of recognized international norms and a negative and irresponsible manifestation of the use of these means which can give rise to tensions and situations that are not conducive to international peace and security, in open contradiction to the principles and purposes embodied in the Charter of the United Nations.

3. In its eighth preambular paragraph, resolution 58/32 reiterates once again the concern of the General Assembly "that these technologies and means can potentially be used for purposes that are inconsistent with the objectives of maintaining international stability and security and may adversely affect the integrity and infrastructure of States to the detriment of their security in both civil and military fields". Cuba fully shares that concern.

4. Information and telecommunications systems may be transformed into weapons when they are designed and/or used to cause damage to the infrastructure of a State.

5. Cuba reiterates that all States must respect existing international norms in this field. Access to information or telecommunications systems of another State should accord with the international cooperation agreements that have been concluded, based on the principle of the consent of the State concerned. The type and scope of exchanges must respect the legislation of the State whose system will be accessed.

6. An attack by one State on the information or telecommunication systems of other States may impair international peace and security. Unfortunately, such tactics are already used as tools to carry out hostile policies.

7. Cuba suffers from attacks of this nature, which have been instigated, tolerated and executed by the United States Government for almost 20 years. Since 1985, when the latter illegally established a radio station, and 1990, when it set up a

television station, Cuban radio and television broadcasts have been affected and interfered with.

8. Every week, 2,227.5 hours of subversive radio and television programming against the constitutional order are transmitted towards Cuba by the United States. Twenty-nine different frequencies are devoted to programming specifically to this end from 18 medium-wave, short-wave, FM and television transmitters.

9. In all, between 312 and 315 hours a day of politically slanted programming are produced on the frequencies indicated. This has nothing to do with the promotion of the free flow of information and ideas since what is transmitted are false allegations fabricated by means of fraud, lies and misrepresentations, and messages are broadcast intended to promote the breakdown of the constitutional order of the country.

10. Of the 18 transmitters taking part in the radio and television attacks against Cuba, 15 belong to organizations linked with or belonging to known terrorist elements that reside, operate and work in United States territory with the full knowledge and consent of the authorities of the United States Federal administration.

11. Of these transmitters, 12 are directed specifically against Cuba, including the misnamed TV and Radio Martí. They are the property of the United States which invests \$35 million a year in this radio electronic war against Cuba.

12. In a new and dangerous provocation, the Government of the United States announced in May 2004 that it would deploy the airborne EC-130 Comando Solo platform and allocate additional funds to purchase and recondition an airborne platform intended for broadcasts towards Cuba by the so-called TV and Radio Martí.

13. In the illegal broadcasts against Cuba, the true situation of our country is distorted, encouragement is given to illegal emigration under dangerous conditions, there is incitement to civil disrespect and disobedience as well as to violence, the perpetration of terrorist acts and the destruction of the institutional and legal order established by the Constitutions of the Republic of Cuba approved by the affirmative vote of over 96 per cent of Cubans.

14. The use of information in the clear interest of subverting the internal order of States, violating their sovereignty and meddling and interfering in their internal affairs is an illegal action under international law and impairs the enjoyment of the right of peoples to self-determination.

15. These broadcasts not only violate Cuban sovereignty but are flagrant violations of the regulations of the International Frequency Registration Board of the International Telecommunication Union, particularly No. 23.3 of the ITU Radio Regulations which prohibits television transmissions beyond national borders. Such actions are thus violations of international law.

16. These television transmissions also violate the preamble to the Constitution of the International Telecommunication Union in that these activities do not facilitate peaceful relations, international cooperation among peoples and economic and social development by means of efficient telecommunication services.

17. Cuba considers that attention should be drawn once again to the following aspects that are closely associated with making full use of telecommunications as an instrument to facilitate international peace and security:

(a) All States must refrain from applying unilateral coercive measures which are contrary to international law and which restrict the affected State's access to technologies and to international networks for the exchange of information and communication.

(b) The systems relating to certification of and possible sanctions on any State as regards access to telecommunication or other closely related technologies by reason of posing a threat to international peace and security, should be multilateral and based on standards adopted by the international community.

(c) International cooperation in this area should be strengthened and the necessary resources should be mobilized in order to help developing countries enhance and expand their telecommunication systems.

(d) Legislative and other measures should be adopted as a matter of urgency, at both the national and the international level, to prohibit undue concentration in private hands of ownership and control of the telecommunication media — as well as other means of information and communication — because of the negative impact this would have on the necessary diversity of information sources and their potential use as a tool for propaganda against peace and incitement to war.

(e) A multilateral, intergovernmental and transparent system should be established for the administration and control of the Internet and other international information and communication networks. It is vital that the monitoring system should be intergovernmental in nature.

(f) The systems for controlling and monitoring telecommunications and other forms of international communication should be multilateral and transparent, with clear responsibilities and public scrutiny procedures, so as to put an end to the violations of the sovereignty and security of many States, as well as individual privacy, that occur with the global spying systems developed by industrialized countries, in particular the United States.

(g) The development of firm guarantees of respect for cultural diversity and the elimination of all forms of discrimination or incitement to hate in the content of the information disseminated by international telecommunications systems should be promoted.

## **Georgia**

[Original: English]  
[18 May 2004]

### **Developments in the field of information and telecommunications in Georgia in the context of international security**

#### **1. The current status of information safety in Georgian telecommunications**

1.1 The system of information safety of Georgia is at a developmental stage.

1.2 The concept of the national information safety system has been conceived by the Ministry of Infrastructure and Development of Georgia and the Georgian National Communications Commission.

1.3 The initiating group carries on its work without target financing.

**2. The status of a task**

The working group on the initiative consists of the following members:

- Ministry of Infrastructure and Development of Georgia: Department of Telecommunications and Information Technologies Politics
- Georgian National Communications Commission: Technical Department

**3. The basic principles of policy of the national information safety system of Georgia is as follows:**

3.1 The common directions of the concept of information safety are defined by the Georgian Information Programme. The Programme is at a developmental stage.

3.2 The strategy of information safety for corporate, government and public information systems and appropriate telecommunications infrastructure should be based on the national system of information security standards.

3.3 The system of information security standards of Georgia is based on a harmonization of international standards of the International Organization for Standardization (ISO), the International Telecommunication Union (ITU) and the European Telecommunications Standards Institute (ETSI).

3.4 At the corporate level, the policy of information safety is realized on the methodical recommendations and rules with voluntary certification according to ISO standard 17799.

**4. Georgian participation in global information society should offer the following opportunities:**

4.1 The establishment of a united information space and infrastructure, with the participation of Georgia in international processes, including the development of an international security information system.

4.2 Integrated globalization, based on international information standards, compatible with the participation of Georgia in the World Trade Organization, the United Nations and other international communities.

4.3 Entry into global post-industrial economy, based on principles of cooperation and information access, overcoming the information divide between Georgia and the international information community.

4.4 Increase of security in Georgia.

**5. Main tasks of the Ministry of Infrastructure and Development of Georgia in the region of information security**

5.1 Definition of the telecommunications standards deficiency, monitoring and study of activity results of the international standardization organizations, quality certification systems, ecological and information security.

5.2 Coordination of international and local programmes and the strategy of communications development with the requirements of the international organizations; cooperation with the international initiatives and regional projects of safety.

**6. Enhancement of the national information safety in Georgia**

6.1 For the successful realization of the information programme and the system of information safety, target financing and international support is needed.

6.2 The help of international organizations is important in the following areas:

- Researching the telecommunications infrastructure and migration to new generation networks;
- Analysis of conditions and comparability of national information security system of standards;
- Development of the programmes and techniques of information security at various levels of economic and social activity.

**7. Cooperation with international organizations**

- ITU and the Regional Communications Community (RCC)
- The United Nations
- The Economic and Social Commission for Asia and the Pacific, the United Nations Conference on Trade and Development and the World Trade Organization

**8. Projects, seminars and other activities**

8.1 ITU: A project for a system of protection from non-authorized access for the Ministry of Infrastructure and Development of Georgia.

The organizers: BDT, ITU, "Utimaco", Government of Bulgaria, Department of Telecommunications and Information Technologies.

8.2 Training workshops about development of the trade finance infrastructure of Georgia.

- The problems of construction of a corporate system with the support of new ICT technologies.
- Electronic commerce, ICT development and trade finance, development of e-trade financial systems, e-banking systems and e-payment systems.
- Discussion of the problems, including the development of the national trade finance infrastructure.

## Lebanon

[Original: Arabic]

[27 May 2004]

In view of the development and application of the utilization of information technologies and means of communication, Lebanon is concerned that such technologies and means of communication should not be used for purposes that are inconsistent with the concepts of international stability and security, and considers that it is necessary to prevent the use of information resources or technologies for criminal or terrorist purposes. It will respond to and cooperate with resolutions of the United Nations that are conducive to protecting the security and confidentiality of information and to preventing their misuse by any means.

## United Kingdom of Great Britain and Northern Ireland

[Original: English]

[14 May 2004]

1. The United Kingdom welcomes the engagement of the United Nations community in addressing the implications of our increasing dependence on communication networks and information systems, including our vulnerability to threats. Information security is crucial to the growth of the global economy, and its importance was recognized in the principles and action plan adopted by the World Summit on the Information Society at the conclusion of its first phase.
2. The principles adopted call for "a global culture of cybersecurity ... to be promoted, developed and implemented in cooperation with all stakeholders and international expert bodies" and for these efforts to be "supported by increased international cooperation". The United Kingdom strongly believes that the security objectives of nations can best be met by promoting a global culture of cybersecurity as described in the principles of the World Summit and the Principles for Protecting Critical Information Infrastructures of the Group of Eight and as referred to in General Assembly resolution 58/199.
3. The United Kingdom does not, however, believe that there is a need for a multilateral instrument that would restrict the development or use of certain civil and/or military technologies. With respect to military applications of information technologies, such an instrument is unnecessary. The law of armed conflict, in particular the principles of necessity and proportionality, governs the use of such technologies. Moreover, such an approach might impinge on the free flow of information, which was also recognized by the World Summit on the Information Society as a key principle of the information society.

### Basic notions and relevant concepts

4. We need to see the risk to networks and information systems as a function of threat and vulnerability. The threat is constantly shifting, but it is clear that it has become more complex in recent years. State actors represent only a small part of the threat to information systems. Of greater concern in recent years have been the activities of terrorists, organized criminals and hackers, who have sought to access systems inappropriately or attack the proper functioning of networks. To enhance

global cybersecurity we need to ensure that attacks against information systems and networks are addressed by criminal law. The Council of Europe Convention on Cybercrime is the best model for instituting the criminalization of cybercrime.

5. Threat analysis is however only one aspect of cybersecurity. The United Kingdom believes that the defence of networks and information systems is to a very large extent independent of the source of threat. International cooperation should therefore be directed towards addressing vulnerabilities. These can be technological, software or protocol vulnerabilities, but can also arise from user error when users are duped into releasing security information by social engineering or "phishing". Changing the cyberculture, the way in which networks and information systems are developed, deployed and used, is our greatest challenge. The "Guidelines for the Security of Information Systems and Networks — *towards a culture of security*" of the Organization for Economic Cooperation and Development (OECD) provide a firm basis of initiating this cultural change.

#### **Implementing relevant concepts: the United Kingdom approach**

6. In 2003, the United Kingdom adopted a national strategy on information security, which addresses critical information systems protection and network resilience. It focuses on protection of Government information assets and systems while recognizing the importance of working with the private sector, and includes a clear outreach element, both to business and the individual citizen. It also acknowledges the importance of working in partnership with other countries in achieving a more secure cyberspace.

7. New structures have been put in place within Government to implement the strategy, involving active participation by the interior, industry and defence Ministries plus the appointment of a nominated risk owner in every Department of State. To support the strategy, the technical capability of Government experts to anticipate and respond to information security challenges is also being developed. The strategy also recognizes the importance of research and innovation and is due to publish a major study on long-term approaches to cybersecurity in June 2004.

8. The United Kingdom strategy comprises three key initiatives. In 1999, the United Kingdom established the National Infrastructure Security Coordination Centre, a multi-agency initiative, which now enjoys an international reputation for excellence in the protection of critical infrastructures. It encourages information sharing between communities of interest, acts as a focal point for the real-time dissemination of alerts based on international contacts and has a leading role in the identification and correction of protocol vulnerabilities.

9. The United Kingdom has also been instrumental in the development of standards on information security management, including the Guidelines on Information Security Management (ISO/IEC 17799), originally a British Standard, which is rapidly becoming accepted at the pre-eminent standard in this field. Such standards adopt a vulnerability- or risk-based approach to information security, enabling organizations to mainstream information security management.

10. To tackle cybercrime, the United Kingdom is developing an e-crime strategy, which draws on the Council of Europe Convention and European Union legislation. In addition, the law enforcement community in the United Kingdom has adapted to reflect the changing nature of cybercrime with the creation of a national resource,

the National High-Tech Crime Unit, together with specialist units in local police forces.

**Implementing relevant concepts: the potential for international cooperation**

11. The World Summit on the Information Society emphasized the importance of international cooperation in maximizing the potential of the information society. General Assembly resolution 58/32 provides us with an opportunity to build a culture of cybersecurity that will protect the interests of Governments, businesses and citizens by minimizing the risk of systems disruption and protecting the free flow of information. The Organization for Economic Cooperation and Development guidelines provide a powerful model of the principles, which could help to foster such a culture and should inform our approach to cybersecurity.

12. The United Kingdom welcomes the engagement of the United Nations community with regard to the issue of information security and believes that the United Nations can contribute to the development of a culture of cybersecurity by focusing on the following issues:

- Developing and exchanging best practices
- Establishing a baseline approach to the criminalization of cybercrime activities based on the Council of Europe Convention
- Enhancing real-time collaboration between national authorities on the identification of threats, vulnerabilities and the conduct of investigations and prosecution of offenders
- Developing a more coherent approach to the removal of vulnerabilities from information systems.



# General Assembly

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23 June 2004  
English  
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## Fifty-ninth session

Item 67 (b) of the preliminary list\*

## General and complete disarmament

### Further measures in the field of disarmament for the prevention of an arms race on the seabed and the ocean floor and in the subsoil thereof

#### Report of the Secretary-General

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\* A/59/50 and Corr.1.



## I. Introduction

1. At its forty-fourth session, the General Assembly adopted resolution 44/116 O of 15 December 1989, entitled "Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof", the relevant operative paragraphs of which read as follows:

*"The General Assembly,*

*"...*

*"8. Also requests the Secretary-General to report by 1992, and every three years thereafter until the fourth Review Conference is convened, on technological developments relevant to the Treaty and to the verification of compliance with the Treaty, including dual-purpose technologies for peaceful and specified military ends; in carrying out this task he should draw from official sources and from contributions by States parties to the Treaty and may use the assistance of appropriate expertise;*

*"9. Urges all States parties to the Treaty to assist the Secretary-General accordingly by providing information and drawing his attention to suitable sources."*

2. Pursuant to the request contained in paragraph 9 of the resolution, a note verbale was sent to States parties to the Treaty inviting them to provide information on the subject. Replies have been received from China and Slovenia, which are reproduced in section II below. Any additional replies received from States parties will be issued as addenda to the present report.

3. The Secretary-General wishes to point out that the information submitted to him by States parties to the Treaty does not provide sufficient official material for him to report on the subject matter on the basis indicated in paragraph 8 of the resolution.

## II. Information received from Governments

### A. China

[Original: Chinese]

[24 May 2004]

China has always opposed the deployment of nuclear weapons by nuclear-weapon States outside their territories and the introduction of weapons of mass destruction on the seabed and the ocean floor and the subsoil thereof. China stands firmly for the exploration and use of the seabed, ocean floor and the subsoil thereof for peaceful purposes only. Since its accession to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, China has faithfully fulfilled its treaty obligations. China supports General Assembly resolution 44/116 O and stands ready to assist the Secretary-General in performing his responsibilities. As to the "technological developments relevant to the Treaty and to the verification of compliance with the Treaty, including dual-purpose technologies

for peaceful and specified military ends" referred to in paragraph 8 of the resolution, China has no relevant information in this regard. Should there be any in the future, China will be willing to provide it to the Secretary-General.

## **B. Slovenia**

[Original: English]

[29 April 2004]

1. The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Department for Disarmament Affairs and has, with reference to the latter's note of 27 February 2004, the honour to communicate that neither the Ministry of Defence nor the Nuclear Safety Administration of Slovenia has any data on the emplacement of nuclear weapons and other weapons of mass destruction on the seabed, the ocean floor and in the subsoil thereof in the territory where the Treaty is applicable or anywhere else on the territory under Slovenian control and jurisdiction.

2. With regard to the dual-use technology, there is a special procedure inscribed in the law on export of the dual-use goods and technology. Until today, no permits have been requested in accordance with this law to export such technology.

**General Assembly**

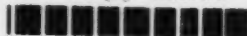
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**Fifty-ninth session**  
**Item 67 (j) of the preliminary list\***  
**General and complete disarmament**

**Conventional arms control at the regional and  
subregional levels****Report of the Secretary-General****Contents**

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\* A/59/50 and Corr.1.



## **I. Introduction**

1. In its resolution 58/39 of 8 December 2003 entitled "Conventional arms control at the regional and subregional levels", the General Assembly, convinced that conventional arms control needs to be pursued primarily in the regional and subregional contexts since most threats to peace and security in the post-cold-war era arise mainly among States located in the same region or subregion, decided to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels and requested the Secretary-General to seek the views of Member States on the subject and to submit a report to it at its fifty-ninth session.

2. Pursuant to that request, a note verbale, dated 14 January 2004, was sent to Member States requesting their views on the subject. To date, replies have been received from the following States: Argentina, El Salvador, Honduras, Lebanon, Mexico, New Zealand, Panama, the Philippines, Qatar, the Russian Federation and Venezuela, as well as the Holy See. These replies are reproduced in section II below. Any further replies received will be issued as addenda to the present report.

## **II. Replies received from Member States**

### **Argentina**

[Original: Spanish]

[30 April 2004]

With respect to paragraph 2 of resolution 58/39, the Government of Argentina sees no difficulty in considering the formulation, within the Conference on Disarmament, of principles that can serve as a framework for regional agreements on conventional arms control. As a State member of the Conference, Argentina supports any progress that may be made in this area. With regard to the substantive question, what will be needed, first and foremost, in each region is a broad-based consensus to move forward on arms control, identifying the concerns and the requirements specific to each case. Furthermore, the principles to be formulated should take into consideration the legitimate security needs of the States and should recognize progress made at both the unilateral and the bilateral levels.

In particular, the Argentine Republic considers that measures designed to achieve a limitation of conventional weapons at the regional level must be framed within a context that takes into account the development and the strengthening of transparency and confidence-building measures among the countries of the region concerned. Accordingly, the accomplishments of the States members of the Organization of American States (OAS) are an example of the progress that can be made in this area. In concrete terms, we have, on the one hand, taken steps designed to limit the manufacture of and illicit trafficking in firearms through the signing of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

By so doing, the States parties have committed themselves to promoting and facilitating cooperation and the sharing of information and experiences in order to reach the agreed goals. Among the measures to be implemented are the tracing of

firearms, confiscation and decommissioning, and the implementation of an effective system of licences or permits for the export, import and international transit of firearms. Furthermore, the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition, adopted within the framework of the Inter-American Drug Abuse Control Commission, provides countries with a frame of reference for the adoption of internal measures and procedures for the control of legal international trafficking in firearms.

On the other hand, the countries of this region have signed the Inter-American Convention on Transparency in Conventional Weapons Acquisitions. This document has provided a legal framework for reporting on the acquisition of conventional arms covered by the United Nations Register of Conventional Arms, imposing two sets of obligations upon States parties. First, countries must report annually to OAS on conventional arms imports and exports covered by the Convention, which are identical to those contained in the United Nations Register. Secondly, countries must report acquisitions no later than 90 days after incorporation into the inventory of the armed forces, whether the weapons are acquired through importation or manufactured internally. Thanks to this series of initiatives, the countries of the region have advanced successfully in the strengthening and promotion of confidence-building measures, using them as the first step towards a future agreement on arms control at the regional level.

## **El Salvador**

[Original: Spanish]  
[27 April 2004]

El Salvador is working towards the achievement of peace, and supports the commitments on global disarmament made at the United Nations and the Organization of American States (OAS), aimed at contributing to international peace and security. The aspects relating to global disarmament are being addressed by the Central American Security Commission, on the basis of the provisions of the Framework Treaty on Democratic Security in Central America, in accordance with the activities of the United Nations and OAS in this area.

## **Honduras**

[Original: Spanish]  
[28 April 2004]

Principles that can serve as a framework for regional agreements on conventional arms control:

A. In the context of the Framework Treaty on Democratic Security in Central America, concluded in Honduras on 15 December 1995, the Central American Security Commission has provided for the adoption and implementation of an annual programme of measures to promote confidence and security, including conventional arms control, notification of manoeuvres and troop movements near the border, invitations to observers, establishment of a reasonable balance of forces and prohibition of weapons of mass destruction.

B. In the area of regional security, an important step was the commitment made by the Presidents of the Republics of El Salvador, Honduras and Nicaragua in the Presidential Declaration of Pochomil, Nicaragua, on 30 March 2001, which aimed at building confidence and promoting security. In that regard, the Council of Central American Ministers for Foreign Affairs, meeting on 19 February 2003 in Panama City, ratified model conventional arms inventory forms prepared by the Central American Security Commission.

C. On 7 March 2000, Honduras signed a memorandum of understanding with Nicaragua in the case regarding maritime demarcation in the Caribbean Sea in the presence of Mr. Luigi Einaudi, Special Representative of the Organization of American States (OAS). This instrument establishes confidence-building measures and security in relation to the use and control of conventional weapons and other actions in the context of military activities and operations undertaken by Honduras and Nicaragua.

D. The declaration signed by the Presidents of El Salvador, Honduras and Nicaragua on 27 February 2002 in Managua established agreements and procedures on instructing the navies of member States not to employ weapons systems on their vessels.

E. In the regional military sphere, on 12 November 1997, the Central American Armed Forces Conference was established by agreement between the Presidents of the Republics of Honduras, El Salvador, Guatemala and Nicaragua. At that conference, an agreement was reached to draw up a military programme of confidence-building and security measures, which acts as a point of reference for the elaboration of the annual report on confidence-building measures and security in the military sphere. The programme promotes transparency in conventional arms control and military actions and is based on regional agreements to achieve the regional peace and security of member States. This annual programme of confidence-building and security measures also includes important measures relating to military spending, foreign military personnel, registers of conventional arms, peacekeeping and humanitarian operations.

## Lebanon

[Original Arabic]

[1 April 2004]

The Government of Lebanon has already affirmed the proposal to delay accession to the Convention on Conventional Weapons, as Lebanon is still suffering the results of the use of such weapons on its territory by Israel. The main principles that could serve as a framework for regional agreements to limit conventional weapons are:

- Full compliance with United Nations resolutions on the subject
- Permanent border monitoring and control of smuggling at home and abroad
- The combating of terrorism and measures to ensure that such weapons do not fall into the hands of terrorists
- The promulgation of national, regional and international legislation to limit such weapons

- Occasions which allow for the individual or collective use of such weapons in order to resist occupation or to defend territory
- The assurance of compliance with the agreement from each regional State concerned with implementation in order to prevent any repetition of double standards, as occurred in the case of the Treaty on the Non-Proliferation of Nuclear Weapons.

## Mexico

[Original: Spanish]

[7 May 2004]

Mexico assigns a crucial role to conventional arms control in maintaining regional and international peace and security. It regards the adoption of agreements in the framework of regional and subregional bodies as particularly important. Agreements of this type create favourable conditions for increased cooperation at both levels, strengthening the efforts to halt and even reverse the arms race.

Mexico believes that conventional arms control at the regional and subregional levels represents an indispensable step towards disarmament. Until general and complete disarmament has been achieved, effective conventional arms control should rest mainly on limiting conventional arms, verifying compliance with bilateral, regional and multilateral arms agreements and adopting transparency and confidence-building measures. Such control should be based on measures developed and implemented in a transparent and non-discriminatory manner by all States concerned.

Mexico reaffirms that agreements on limiting all types of international transfers of such arms should be based, in particular, on the principle that it does not diminish the security of the parties, with a view to promoting or strengthening stability at a lower military level, bearing in mind the need for all States to protect their security. Mexico shares the view that militarily significant States and States with larger military capabilities have a special responsibility in promoting conventional arms agreements for regional and subregional security, both in terms of pursuing conventional arms reduction and of building confidence among States located in the same geographical areas. In the light of the above, it is particularly necessary for such Powers to prevent the possibility of military attack launched by surprise and to avoid aggression.

With regard to paragraph 2 of the resolution, the impasse prevailing in the Conference on Disarmament, as regards the lack of agreement on the adoption of its agenda, should be kept in mind. Accordingly, and without prejudice to the mandate embodied in the resolution on this item, the formulation of principles on conventional arms control should be regarded as an item which could be considered in the framework of the Conference on Disarmament, a United Nations deliberative body that has already adopted guidelines and principles in the area of disarmament.

Mexico believes that in formulating principles on conventional arms control, States should ensure that military restructuring and weapons purchases do not break the pattern of the regional status quo, so as to avoid escalating an arms race. Mexico stresses that the conclusion of conventional arms control agreements is a

precondition for ensuring a climate of peace and would also foster the creation of material and human resources that could be dedicated to national development.

### **New Zealand**

[Original: English]  
[30 April 2004]

New Zealand considers that the following principles should be included in the proposed framework for regional agreements on conventional arms control.

Regional agreements should:

- Take into account the possibility that each constituent State may have different domestic circumstances
- Take into account the costs of complying with the agreement's provisions, especially with respect to capacity constraints of those States with relatively limited resources. Reporting requirements, in particular, should be designed to be as streamlined as possible while remaining effective.
- Seek to work through and/or support the work of regional organizations having the same or similar objectives to the agreement to prevent unnecessary duplication of work.

### **Panama**

[Original: Spanish]  
[24 May 2004]

Ministry of Government and Justice Institutional Directorate of Public Security Affairs

In accordance with the provisions of Executive Decree No. 2 of January 1991, the authorization of the Ministry of Government and Justice is required for the import or sale of conventional or other firearms, accessories, ammunition and non-lethal defence items for hunting, sports and self-defence, and the functioning and operation of companies engaging in these activities, as well as individuals, who must be of demonstrated integrity and honour.

Companies that engage in the import or sale of arms, ammunition, accessories and non-lethal items are required to submit to the Ministry of Government and Justice comprehensive monthly inventories of their stocks of such items; a report itemizing the quantities and types of items sold that month, including each purchaser's name, identification number, telephone, address and weapons permit number, issued by the Judicial Technical Police; and a full description of the merchandise. The permit issued to a company by the Ministry of Government and Justice to sell or import these items will be revoked for failure to comply with this requirement.

The Ministry of Government and Justice may authorize the establishment of shooting instruction and practice areas, which must comply, as the case may be, with both the provisions of Executive Decree No. 2 of 2 January 1991 and any security

norms laid down by the authorities of the Police, the Ministry of Health and the Security Office of the Fire-fighters Brigade of the Republic of Panama.

The Institutional Directorate of Public Security Affairs of the Ministry of Government and Justice is making the necessary efforts to finalize a draft law, with a view, in particular, to updating legislation relating to the import, use, destination and control of firearms and ammunition by remedying legal and technical lacunae, and with the ultimate aim of harmonizing legislation in this area.

Frequent contacts with neighbouring countries and countries of the region are maintained in order to define both national and regional modalities for launching an operational and administrative mechanism that would facilitate the implementation of initiatives to control firearms, ammunition and other dangerous items that pose a threat to the security of peoples. To this end, meetings are held to study and analyse the findings of the national multidisciplinary commissions with a view to ensuring their applicability in any region, and seminars are conducted to explore ways of preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials, as well as the technical and scientific destruction of such materials.

## Philippines

[Original: English]  
[12 May 2004]

The formulation of principles to serve as a framework for regional agreements on conventional arms control plays an important role in the promotion of international peace and security. This has become even more significant given that threats relating to armaments emerge mostly among countries in the same region or subregion.

A proposal to limit the total holding of armaments may be pursued. This is necessary to ensure that no country would be able to dominate the region or subregion by force of arms.

Measures to regulate movement of conventional arms, including measures of transparency and constraint regarding the import and export of armaments, may be pursued.

## Qatar

[Original: Arabic]  
[13 May 2004]

We believe that, despite the specificity of the problems and issues facing the Arab region, which dictate regional and subregional priorities for action reflecting the circumstances of the region and security and development requirements, the Arab region in general is fully aware of the dangers posed by the point at issue and its political, social, economic and human ramifications for individuals in society.

There are a number of agreements and conventions concerned with such phenomena, such as the Arab Convention for the Suppression of Terrorism, signed

at a joint conference of the Council of Arab Ministers of the Interior in 1988, which addressed one aspect of the issue of arms control and the prevention of the illicit arms trade.

The issue of conventional arms control in the regional and subregional context is an important matter which must be viewed globally in view of its significance and the fact that it is the principal source of conflicts between countries in the region. However, the types of conventional arms need to be clearly identified and defined so that a debate can take place between States at the regional and subregional level, thereby enabling the adoption of such an agreement and the creation of a mechanism for such an agreement, which would be binding for the signatory States.

## **Russian Federation**

[Original: Russian]  
[23 April 2004]

### **Principles for regional agreements on conventional arms control**

Based on the experience acquired in Europe, the following model list of principles could be proposed.

#### **I. Basic principles**

1. *Principle of equality of rights, balance and reciprocity, and equal respect for the security interests of the States parties to regional agreements.*

The security of each State party is inseparably linked with the security of all the other States parties.

No State party shall strengthen its security at the expense of the security of other States, and each shall safeguard its own security interests in a manner consistent with common efforts to consolidate security and stability in the region. Each State party may, taking into account the legitimate security interests of other States, freely and independently determine its security interests on a basis of sovereign equality and shall have the right freely to choose ways of safeguarding its own security in accordance with international law. Agreements on arms control shall be elaborated by the States parties on a voluntary basis in negotiations in which they participate as sovereign, independent States and on a basis of complete equality.

Each State party shall contribute to the implementation of the arms control measures agreed in such a manner that they do not adversely affect the security of any party at any stage.

2. *Principle of reasonable sufficiency of military capabilities and non-aggressive defence.*

Each State shall maintain only such military capabilities as are commensurate with its legitimate defensive needs, taking into account its obligations under international law.

This principle presupposes the elimination of existing imbalances, the establishment of lower and more equal levels with respect to the size of military

forces and the number of conventional arms, and the conferral on armed forces of a strictly defensive character.

## II. Principles reflecting the requirements for agreements

### 1. *Military significance*

The measures agreed must make a substantial contribution to the strengthening of military security in the region. To this end, the range of parties, and the area of application and subject of these measures must be determined in such a manner that emphasis is placed, from the very outset, on those forces that exert the most direct influence on the fundamental aspects of military security in the region.

### 2. *Phasing*

The measures agreed must correspond to the existing level of confidence among the States parties and the common goal of strengthening stability and security in the region. In each subsequent phase, the scope and degree of intrusiveness of the measures agreed must increase. The progression "from the simple to the complex" may include such phases as:

- Stabilization of local crisis situations if necessary (ceasefire, creation of demilitarized zones, establishment of a mechanism for the broad resolution of crisis situations, prevention of military incidents in the region, etc.)
- Reduction and limitation of the scale of military activities
- Elaboration and adoption of militarily significant measures to build confidence and strengthen security
- Creation of mechanisms for the strict verification of compliance with the obligations entered into
- Establishment of a stable and secure balance of conventional armed forces at reduced levels, including removal of disparities prejudicial to stability and security, and elimination, in order of priority, of the capacity to launch surprise attacks and to initiate large-scale offensive action (provisions on territorial and national ceilings and other restrictions, reductions, redistribution and related measures).

### 3. *Economic acceptability*

The procedures for implementing the measures agreed must not be onerous from an economic standpoint, while the process must have a positive long-term impact on the economy of each State party.

### 4. *Adaptability*

Under the terms of the measures agreed, it must be possible to render these measures more viable through their timely adaptation to changing military and political circumstances and new challenges and threats.

### 5. *Definition of the area in which the confidence-building measures agreed will apply*

When arms control measures are agreed upon, there is a need to define the area in which they will apply (territories of States or areas at a specified distance from

shared borders and adjacent maritime areas, etc.), and to take account of the possibility of extending them to States' military activities within coalitions.

6. *Encouraging the development of cooperation between armed forces in contiguous military districts and between troops in border areas shared between States.*

## Venezuela

[Original: Spanish]  
[10 June 2004]

The Ministry of Defence of the Government of the Bolivarian Republic of Venezuela considers that the following fundamental principles should apply for the purposes of any regional agreements on conventional arms control:

1. Principle of the free will of the parties;
2. Principle of immediate entry into force;
3. Principle of inviolability of Venezuela's international jurisdiction;
4. Principle of international assistance in judicial matters;
5. The constitutional principle of equality.

## Holy See

[Original: English]  
[17 May 2004]

Concerning paragraph 2 of General Assembly resolution 58/39, the Permanent Observer Mission of the Holy See to the United Nations wishes to raise the following points relative to the formulation of principles that can serve as a framework for regional agreements on conventional arms control:

1. The regional/subregional context for conventional arms control provides States with opportunities for cooperation and concrete measures taken at a practical and manageable level;
2. Such a formulation of principles could take into account new international security situations and other factors that have not yet been fully considered by the arms control community;
3. It would serve to reinvigorate the work of the Conference on Disarmament, and hopefully to overcome the disagreement over its programme of work.

With regard to paragraph 3 of the resolution:

1. The importance of recognizing and balancing both the universal human desire for peace and the particular sovereignty of States and regional/subregional characteristics that must inform such agreements;
2. Following the principle of subsidiarity, regional/subregional arms control agreements should allow for States to provide for the security and well-

being of citizens of failed States or States undergoing internal conflicts in the region;

3. Friendly relations between States, being the key condition to peace, confidence- and security-building measures, should be formalized. These may include measures to increase transparency regarding armaments, to lessen suspicion and tension through inspections and to reduce the likelihood of misinterpretation with prior notification of military manoeuvres;
  4. The need for arms-producing States to have export controls and adequate ways of tracing weapons transactions. States should also develop regional/subregional mechanisms to interdict illegal or illicit weapons transfers.
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